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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-52

12 **SARAH A. NAPLES**  
13 **532 S. Edson**  
14 **Lombard, IL 60148**

**DEFAULT DECISION AND ORDER**

15 **Registered Nurse License No. 650930**

[Gov. Code, §11520]

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18 **FINDINGS OF FACT**

19 1. On or about July 31, 2009, Complainant Louise R. Bailey, M.Ed., RN, in her official  
20 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs, filed Accusation No. 2010-52 against Sarah A. Naples (Respondent) before  
22 the Board of Registered Nursing.

23 2. On or about January 13, 2005, the Board of Registered Nursing (Board) issued  
24 Registered Nurse License No. 650930 to Respondent. The Registered Nurse License was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
26 2010, unless renewed.  
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1           3.     On or about August 6, 2009, Staci Caston, an employee of the Department of Justice,  
2 served by Certified and First Class Mail a copy of the Accusation No. 2010-52, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:  
5 532 S. Edson, Lombard, IL 60148.

6           A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c).

9           On or about August 14, 2009, the aforementioned documents were returned by the U.S.  
10 Postal Service marked "Addressee Unknown."

11          5.     Government Code section 11506 states, in pertinent part:

12           (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16          Respondent failed to file a Notice of Defense within 15 days after service upon her of the  
17 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2010-52.

18          6.     California Government Code section 11520 states, in pertinent part:

19           (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
20 agency may take action based upon the respondent's express admissions or upon other evidence  
21 and affidavits may be used as evidence without any notice to respondent.

22          7.     Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 evidence on file herein, finds that the allegations in Accusation No. 2010-52 are true.

25          8.     The total cost for investigation and enforcement in connection with the Accusation  
26 are \$11,873.75 as of September 3, 2009.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Sarah A. Naples has subjected her Registered Nurse License No. 650930 to discipline.
2. A copy of the Accusation is attached.
3. The agency has jurisdiction to adjudicate this case by default.
4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:
  - a. Violation of Business and Professions Code section 2761(a), unprofessional conduct, in that she admitted smoking marijuana on or before reporting to work as a registered nurse;
  - b. Violation of Business and Professions Code section 2762(a), unprofessional conduct in that she admitted that she obtained and possessed Morphine in violation of the law, while on duty as a registered nurse;
  - c. Violation of Business and Professions Code section 2762(b), unprofessional conduct, in that she admitted that she used Marijuana and Morphine to an extent or in a manner dangerous or injurious to herself or another person.

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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2010-52

**SARAH A. NAPLES  
532 S. Edson  
Lombard, IL 60148**

**ORDER**

**Registered Nurse License No. 650930**

IT IS SO ORDERED that Registered Nurse License No. 650930, heretofore issued to Respondent Sarah A. Naples, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 10, 2010.

It is so ORDERED

December 10, 2009  
*Jim L. Baynter*

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ docket number: SF2009404408

Attachment:

Exhibit A: Accusation No. 2010-52

Exhibit A

Accusation No. 2010-52

1 EDMUND G. BROWN JR.  
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7  
8 LYDIA ZANE  
Senior Legal Analyst

9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. 2010-52

14 **SARAH A. NAPLES**  
532 S. Edson  
15 Lombard, IL 60148

**A C C U S A T I O N**

16 **Registered Nurse License No. 650930**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed, RN, (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 2. On or about January 13, 2005, the Board of Registered Nursing issued Registered  
25 Nurse License Number 650930 to Sarah A. Naples (Respondent). The Registered Nurse License  
26 was in full force and effect at all times relevant to the charges brought herein and will expire on  
27 October 31, 2010, unless renewed.

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1 dispensing without prescription," "Rx only," or words of similar import.

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

#### 6 REGULATION PROVISIONS

7 9. California Code of Regulations, Title 16, section 1444, states in relevant part that a  
8 conviction or act shall be considered to be substantially related to the qualifications, functions or  
9 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness  
10 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

#### 11 DRUGS

12 10. **Marijuana** is a Schedule I controlled substance as designated by Health and  
13 Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and  
14 Professions Code section 4022. It is a hallucinogenic drug.

15 11. **"Morphine"** is a Schedule II controlled substance pursuant to Health and Safety  
16 Code section 11055(b)(1) and a dangerous drug pursuant to Business and Professions Code  
17 section 4022. Morphine Sulfate is a narcotic analgesic prescribed to reduce pain.

#### 18 FACTUAL BACKGROUND

19 12. On or about July 14, 2007, respondent was employed as a registered nurse and as the  
20 nightshift House Supervisor at Mendocino Coast District Hospital (MCDH). On or about July 14,  
21 2007, during her work shift at MCDH, other hospital staff reported to hospital security that  
22 respondent had not been seen or heard from for a couple of hours. Security located respondent in  
23 the hospital's materials store area where she was observed to be groggy, shuffling slowly and  
24 speaking slowly. Security noted the presence of alcohol swab sticks on the desk in the hospital  
25 office where respondent was eventually located and what appeared to be dried blood on the back  
26 of her right hand. After respondent was found, MCDH supervisory staff interviewed respondent  
27 about recent incidents of morphine vials found on the floor and under furniture in the nurse's  
28 locker room. During the interview, respondent admitted to the hospital's Chief Clinical Officer



1 that she smoked marijuana prior to coming to work that night. Respondent agreed to submit to a  
2 drug test. Due to a staffing problem, the drug test was administered approximately 12 hours after  
3 respondent was discovered in the store area. Results of respondent's drug test were positive for  
4 marijuana.

5 a. On or about April 14, 2009, an investigator from the California Department of  
6 Investigations interviewed respondent regarding the events of July 14, 2007, and the statement  
7 that she made to the hospital's Chief Clinical Officer. During the course of her interview with the  
8 Board's investigator, respondent admitted that while employed at MCDH, she had been stealing  
9 morphine for her own use from the hospital's hazmat storage container by taking the morphine  
10 which had been wasted.

#### 11 FIRST CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct)

13 13. Respondent is subject to disciplinary action under section 2761(a) in conjunction with  
14 California Code of Regulations, section 1444, in that respondent admitted that she smoked  
15 marijuana on or before she reported for work as the nightshift house supervisor at Mendocino  
16 Coast District Hospital on July 14, 2007. Respondent's admission to the act of smoking  
17 marijuana on or before reporting for work at the hospital is substantially related to the  
18 qualifications, functions or duties of a registered nurse and evidences, to a substantial degree,  
19 respondent's present or potential unfitness to practice in a manner consistent with public health,  
20 safety, or welfare.

#### 21 SECOND CAUSE FOR DISCIPLINE

22 (Obtain and/or Possess Drugs)

23 14. Respondent is subject to disciplinary action under section 2762(a) of the Code, in that  
24 respondent by her own admission, she obtained or possessed in violation of law, or prescribed to  
25 herself, a controlled substance as defined in Division 10 of the Health and Safety Code, or a  
26 dangerous drug or device as defined in Section 4022, to wit: Morphine, while on duty as the  
27 Night Shift House Supervisor at Mendocino Coast District Hospital on or about July 14, 2007, as  
28 set forth in paragraph 12, above.

1 THIRD CAUSE FOR DISCIPLINE

2 (Use Drugs)

3 15. Respondent is subject to disciplinary action under section 2762(b) of the Code, in that  
4 respondent, by her own admission, used controlled substances and dangerous drugs, to wit:  
5 Marijuana and/or Morphine, to an extent or in a manner dangerous or injurious to herself or any  
6 other person as set forth in paragraph 12, above.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 650930, issued to Sarah  
11 A. Naples, RN..

12 2. Ordering Sarah A. Naples to pay the Board of Registered Nursing the reasonable  
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
14 Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.  
16  
17

18 DATED: 7/31/09

19 *Louise R. Bailey*  
20 Louise R. Bailey, M.Ed, RN  
21 Interim Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
26  
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